

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MEGAN KASZHA YELLOW OWL,

Defendant.

CR 22-14-GF-BMM-JTJ

FINDINGS AND
RECOMMENDATIONS

I. Synopsis

Defendant Megan Kaszha Yellow Owl (Yellow Owl) has been accused of violating conditions of her supervised release. (Docs. 69 and 77). Yellow Owl admitted the alleged violations. Yellow Owl's supervised release should be revoked. Yellow Owl should be sentenced to custody for 4 months, with 16 months of supervised release to follow.

II. Status

Yellow Owl plead guilty on November 7, 2022, to the offense of Arson, in violation of Title 18 U.S.C. §§ 81, 1153(e) as charged in Count 1 of the Indictment. (Doc. 32). Yellow Owl was sentenced to TIME SERVED followed by 2 years of

supervised release. (Doc. 51). Yellow Owl's current term of supervised release began on August 23, 2023.

Petition

On July 26, 2024, the United States Probation Office filed a Petition requesting that the Court revoke Yellow Owl's supervised release. (Doc. 69). The Petition alleged Yellow Owl violated the conditions of her supervised release by: (1) failing to comply with substance abuse testing requirements on May 3, 2024; (2) failing to comply with substance abuse testing requirements on May 28, 2024; (3) failing to comply with substance abuse testing requirements on May 30, 2024; (4) failing to comply with substance abuse testing requirements on June 20, 2024; (5) failing to comply with substance abuse testing requirements on June 25, 2024; (6) failing to comply with mental health treatment on July 18, 2024; (7) failing to comply with mental health treatment on July 25, 2024; (8) failing to refrain from the consumption of alcohol, admitting to consuming alcohol on July 25, 2024; and (9) failing to comply with substance abuse testing requirements on July 25, 2024.

Initial Appearance

Yellow Owl appeared before the Court on August 6, 2024. Yellow Owl was represented by counsel. Yellow Owl stated that she had read the Petition and that she understood the allegations against her. Yellow Owl waived her right to a

preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

Revocation hearing

The Court conducted a revocation hearing on August 6, 2024. Yellow Owl admitted that she had violated the conditions of her supervised release as set forth in the Petition by: (1) failing to comply with substance abuse testing requirements on May 3, 2024; (2) failing to comply with substance abuse testing requirements on May 28, 2024; (3) failing to comply with substance abuse testing requirements on May 30, 2024; (4) failing to comply with substance abuse testing requirements on June 20, 2024; (5) failing to comply with substance abuse testing requirements on June 25, 2024; (6) failing to comply with mental health treatment on July 18, 2024; (7) failing to comply with mental health treatment on July 25, 2024; (8) failing to refrain from the consumption of alcohol, admitting to consuming alcohol on July 25, 2024; and (9) failing to comply with substance abuse testing requirements on July 25, 2024.

Sentencing hearing

Yellow Owl appeared before the Court on August 6, 2024. At that time, the Court continued Yellow Owl's sentencing hearing until November 5, 2024.

Amended Petition

On August 30, 2024, the United States Probation Office filed an Amended Petition requesting that the Court revoke Yellow Owl's supervised release. (Doc. 77). The Amended Petition alleged Yellow Owl violated conditions of her supervised release by the added violations of: (10) failing to answer truthfully questions from her probation officer about obtaining a vivitrol shot on August 29, 2024; (11) failing to comply with substance abuse testing requirements on August 29, 2024; and (12) failing to refrain from the consumption of alcohol, admitting to consuming alcohol on August 28, 2024.

Second Initial Appearance

Yellow Owl appeared before the Court on September 10, 2024. Yellow Owl was represented by counsel. Yellow Owl stated that she had read the Amended Petition and that she understood the allegations against her. Yellow Owl waived her right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

Second Revocation hearing

The Court conducted a revocation hearing on September 10, 2024. The Court noted that Yellow Owl had previously admitted that she had violated the conditions of supervised release as set forth in the Petition by: (1) failing to comply with substance abuse testing requirements on May 3, 2024; (2) failing to comply with substance abuse testing requirements on May 28, 2024; (3) failing to comply with

substance abuse testing requirements on May 30, 2024; (4) failing to comply with substance abuse testing requirements on June 20, 2024; (5) failing to comply with substance abuse testing requirements on June 25, 2024; (6) failing to comply with mental health treatment on July 18, 2024; (7) failing to comply with mental health treatment on July 25, 2024; (8) failing to refrain from the consumption of alcohol, admitting to consuming alcohol on July 25, 2024; and (9) failing to comply with substance abuse testing requirements on July 25, 2024. Yellow Owl then admitted that she had violated the conditions of her supervised release as set forth in the Amended Petition by: (10) failing to answer truthfully questions from her probation officer about obtaining a vivitrol shot on August 29, 2024; (11) failing to comply with substance abuse testing requirements on August 29, 2024; and (12) failing to refrain from the consumption of alcohol, admitting to consuming alcohol on August 28, 2024. The Court determined the violations are serious and warrant revocation of Yellow Owl's supervised release.

Sentencing hearing

Yellow Owl appeared before the Court on September 10, 2024. Yellow Owl's violations are a Grade C. Her criminal history category is I. Yellow Owl's underlying offense is a Class A felony. Yellow Owl could be incarcerated for up to 60 months. Yellow Owl could be ordered to remain on supervised release for 20

months less any custody time. The United States Sentencing Guidelines call for a term of custody of 3 to 9 months.

III. Analysis

Yellow Owl's supervised release should be revoked. Yellow Owl should be sentenced to custody for 4 months, with 16 months of supervised release to follow. This sentence is sufficient but not greater than necessary.

IV. Conclusion

The Court informed Yellow Owl that the above sentence would be recommended to the Chief United States District Judge Brian Morris. The Court also informed Yellow Owl of her right to object to these Findings and Recommendations within 14 days of this issuance. The Court explained to Yellow Owl that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose.

The Court **FINDS**:

That MEGAN KASZHA YELLOW OWL has violated the conditions of her supervised release by: (1) failing to comply with substance abuse testing requirements on May 3, 2024; (2) failing to comply with substance abuse testing requirements on May 28, 2024; (3) failing to comply with substance abuse testing requirements on May 30, 2024; (4) failing to comply with substance abuse testing requirements on June 20, 2024; (5) failing to comply with substance abuse testing requirements on June 25, 2024; (6) failing to comply with mental health treatment on July 18, 2024; (7) failing to comply with mental health treatment on July 25, 2024; (8) failing to refrain from the consumption

of alcohol, admitting to consuming alcohol on July 25, 2024; (9) failing to comply with substance abuse testing requirements on July 25, 2024; (10) failing to answer truthfully questions from her probation officer about obtaining a vivitrol shot on August 29, 2024; (11) failing to comply with substance abuse testing requirements on August 29, 2024; and (12) failing to refrain from the consumption of alcohol, admitting to consuming alcohol on August 28, 2024.

The Court **RECOMMENDS:**

That the District Court revoke Yellow Owl's supervised release and sentence Yellow Owl to custody for 4 months, with 16 months of supervised release to follow.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO
OBJECT**

The parties may serve and file a written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. Section 636(b)(1). A United States district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge and may waive the right to appear and allocute before a district court judge.

DATED this 13th day of September 2024.



John Johnston
United States Magistrate Judge